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Identical letters dated 17 January 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from the Government of the Syrian Arab Republic, I should like to draw your attention to the following information:

A number of States have sent a joint letter to the Security Council to refer the situation in Syria to the International Criminal Court, citing concern at the humanitarian situation in the country and a desire to put an end to the human rights violations.

The Government of the Syrian Arab Republic shares their concern at the unfolding humanitarian situation in Syria and the human rights violations committed by armed terrorist groups. Those developments mark a considerable change from the stability, safety and freedom of religion and conviction which Syria and Syrians enjoyed before the crisis. However, the Syrian Government finds it regrettable that those States have persisted in their dangerously flawed approach by refusing to recognize the Syrian State's duty to protect its people from terrorism imposed from abroad. It is no secret that the armed terrorist groups are funded, trained and sheltered by certain States, some of which are signatories to the joint letter. This reality has been covered up by political and media campaigns aimed at protecting the armed groups and denigrating the Syrian State by blaming it for their crimes. We find it regrettable that Switzerland, the depository State of the fundamental conventions of international humanitarian law, and a State previously known for its impartiality and objectivity, is leading this unjust and deceptive campaign against a Member State of the United Nations and defending the practices of terrorist groups.

I also wish to recall the initiatives and national accountability mechanisms which we have described to you in several letters. Syria has established an independent, transparent and credible national commission of inquiry to investigate complaints of human rights violations committed by civilians and soldiers. The commission has branches in all governorates of Syria. It has referred most of its cases to specialized courts, but remains seized of a number of complaints. In

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addition, a number of individuals have been brought before the courts for involvement in actions inconsistent with their professional duties. Domestic remedies have therefore not been exhausted, something that is a primary and fundamental condition before the issue can be referred to international bodies.

The signatories' initiative shows yet again their hypocrisy and double standards with regard to the Syrian crisis and international human rights law generally. While expressing concern for the Syrian people and for international humanitarian law and international human rights law, they turn a blind eye to the armed groups' political, media, logistical and military backing. Some of the signatories directly support the groups with weapons and funding, enabling them to violate international law and international human rights law. Some of them are hindering Syrian national dialogue and the path towards a political solution to the crisis in accordance with the political programme set out by the President of the Republic on 6 January 2013. We sent you a copy of that programme a few days after it was announced.

If the signatories genuinely intended to alleviate the humanitarian suffering of the Syrian people or to end the human rights violations in Syria, they would not opt for escalation and incitement or fan the flames of the crisis. Instead, they would take the following steps:

1. Putting pressure on the States that fund, shelter and train terrorists and dispatch them to Syria in order to target Syrians. The terrorists are the ones seeking to destroy the country's unique social fabric and coexistence. They are working systematically to destroy the infrastructure and the national economy by stealing food, medicine and fuel. They deprive civilians of those basic commodities, which they sell on like profiteers.

2. Putting pressure on those who issue fatwas justifying the murder, abduction, torture and robbing of Syrians and convincing the perpetrators that those barbaric practices are a jihad, that they will earn a place in paradise and that they will not be accountable under international law.

3. Lifting the illegal and unethical unilateral sanctions imposed on Syria. The sanctions are a collective punishment of the Syrian people. They have contributed directly to the deteriorating humanitarian situation in the country by violating the rights of Syrians and depriving them of such basic commodities as fuel, food and medicine. Even United Nations relief efforts have been unable to tackle the repercussions. The sanctions are a clear violation of international human rights law and the relevant United Nations resolutions.

4. Taking genuine action to stop the flow of arms to terrorist groups. Some of the weapons are manufactured in countries that are signatories to the joint letter. Other signatory States smuggle armed men into Syria in order to murder and intimidate Syrians. The armed groups and *takfirists* would not be able to commit their massacres — which they boast about and film in order to reach the widest possible audience via the internet — without receiving weapons and media and political cover from a number of States.

The signatories' initiative will do nothing to alleviate the humanitarian suffering or to prevent the armed terrorist groups from violating international human rights law and international humanitarian law. Instead, those groups will see it as endorsing their tactics and authorizing additional murder and devastation. The

signatories ought to support international efforts towards a political solution based on national dialogue, which would bring back safety and stability and fulfil the aspirations of the Syrian people through peaceful means, instead of complicating the situation and hindering the search for an end to the crisis.

I should be grateful if this letter could be issued as an official document of the General Assembly, under agenda item 74, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative